

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No. 3:05-CR-97
V.) (JARVIS/GUYTON)
)
HEATHER NATASHA WHITT,)
)
Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court on the defendant's Motion for Furlough [Doc. 14], which the Court ordered filed under seal on September 19, 2005. The Court held a hearing on this motion on that same day. Through her motion and defense counsel's explanation thereof, the defendant requests to be released for a furlough in order to undergo a medical procedure at her own expense on Friday, September 23, 2005. She requests that she be released into the third-party custody of her mother from noon on Thursday, September 22, through 10:00 a.m. on Tuesday, September 27, 2005. Such time period allows for processing time, the medical procedure, a follow-up appointment, and a brief recovery time. The government has stated that it does not oppose the motion.

The Court notes that the defendant has a constitutional right to choose the medical procedure in question. The government has acknowledged the same. The Court's personal views on the matter are irrelevant, and the Court will follow and apply the law to this case. Let

there be no misunderstanding. The Court is granting the requested furlough, as the Court is legally bound to do. The Court is not ordering that the medical procedure in question be performed.

The defendant's Motion for a Furlough [**Doc. 14**] is **GRANTED**. The Court **ORDERS** that the defendant be released from her pretrial detention on Thursday, September 22, 2005, on or around noon. During the time period of her furlough, the defendant is to remain in the custody of her mother or medical personnel. The defendant is admonished to abide by all laws and by any requirements placed upon her by the United States Marshals Service. The defendant is to self-report to the Marshals Service at 10:00 a.m. on Tuesday, September 27, 2005, as directed by the Marshals.

Finally, the Court ordered this motion and the Court's ruling thereon to be sealed, to ensure the legally protected privacy rights of the defendant. However, the details of this matter were published on September 20, 2005. Said publication rendered moot the sealing of this matter, and accordingly, the seal is lifted on the Motion [**Doc. 14**] and the Court's ruling.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge